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Anguilla

Working paper prepared by the Secretariat

Contents

		Page
	The Territory at a glance	3
I.	Constitutional, legal and political issues	4
II.	Budget	5
III.	Economic conditions	6
	A. General	6
	B. Tourism	6
	C. Financial services	6
	D. Agriculture and fisheries	7
	E. Infrastructure	7
	F. Transportation, communications and utilities	7
IV.	Social conditions	8
	A. General	8
	B. Education	8

Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 21 December 2012. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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C. Public health 9
D. Crime and public safety 9
E. Human rights 10
V. Environment 10
VI. Relations with international organizations and partners 11
VII. Future status of the Territory 11
A. Position of territorial Government 11
B. Position of administering Power 11
C. Action taken by the General Assembly 12

The Territory at a glance

Territory: Anguilla is a Non-Self-Governing Territory under the Charter administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: Governor Alistair Harrison (2009-2013).

Geography: The Territory lies 240 km east of Puerto Rico, 113 km north-west of Saint Kitts and Nevis and 8 km north of Sint Maarten/Saint Martin. It has a relatively flat topography, with a few rolling hills rising to 213 ft.

Land area: 96 km². The main island has a maximum length of 26 km and a maximum width of 5 km.

Exclusive economic zone: 92,178 km².[a]

Population: 15,500 (2012 estimate).

Languages: 99 per cent of the population speaks English. Spanish and Chinese are also spoken.

Capital: The Valley.

Head of territorial Government: Chief Minister Hubert B. Hughes.

Elections: Most recent: February 2010; next: 2015.

Main political parties: Anguilla United Front; Anguilla United Movement.

Legislature: House of Assembly.

Gross domestic product per capita: US$ 13,750 (2010).

Economy: Tourism, financial services and remittances.

Main trading partners: United States of America and States members of the Caribbean Community.

Unemployment rate: 8 per cent (2010 estimate).

Monetary unit: East Caribbean dollar, pegged to the United States dollar at about EC$ 2.70.

Brief history: Originally inhabited by the Arawaks, the Territory was colonized by British and Irish settlers in 1650 and was periodically associated with Saint Kitts and Nevis, as well as with various regional structures. In 1980, the Territory became a dependency of the United Kingdom.

[a] Data from the "Sea Around Us" project, a collaboration between the University of British Columbia and the Pew Environment Group (www.seaaroundus.org).

I. Constitutional, legal and political issues

1. According to the Anguilla Constitution Order, which came into force in 1982 and was amended in 1990, the Government of Anguilla consists of the Governor, the Executive Council and the House of Assembly. The Governor, appointed by the British Crown, is responsible for defence, external affairs, internal security (including the police and prison services), international financial services and their regulation, public service appointments and the application to public servants of their terms and conditions of service. On all other matters, the Governor is required to consult and act on the advice of the Executive Council. At the same time, the Order stipulates that the British Crown reserves the power, with the advice of the Privy Council, to make laws for the peace, order and good government of Anguilla.

2. The Territory's Executive Council consists of the Chief Minister, not more than three other ministers and two ex officio members (the Attorney General and the Deputy Governor). The Governor acts as Chair of the Council. The House of Assembly is elected for five-year terms and comprises the Speaker, not less than seven members elected from single-member constituencies, the same two ex officio members as in the Executive Council and two members appointed by the Governor, one upon the advice of the Chief Minister and the other after consultation with the Chief Minister and the Leader of the Opposition, as appropriate.

3. The general elections held in Anguilla on 15 February 2010 resulted in a change of government from the Anguilla United Front to the Anguilla United Movement under Hubert B. Hughes.

4. The law of Anguilla is the common law of the United Kingdom of Great Britain and Northern Ireland, together with all legislation inherited from the former associated State of Saint Kitts-Nevis-Anguilla up to August 1971 and the local legislation enacted since. The law is administered by the Eastern Caribbean Supreme Court, an itinerant court based in Saint Lucia, which comprises a court of appeal and a high court of justice, courts of summary jurisdiction and a magistrates' court. The British Overseas Territories Act 2002 provides for the granting of British citizenship to British overseas territory citizens.

5. Discussions with the United Kingdom on a new draft constitution were expected to begin in 2010, amid tension between the Governor and the new territorial Government over budgetary and economic matters. In 2011, Anguilla set up a team headed by H. Clifton Niles to draft a new constitution. According to media reports, a draft text was presented to the Government in February 2012, containing many proposed changes in governance that would very probably become features of an independent constitution. According to the administering Power, work on the draft is continuing.

6. Speaking at the Pacific regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism: current realities and prospects, held in Quito from 30 May to 1 June 2012, the representative of Anguilla, the Independent Legal Counsel to the Chief Minister, stated that the Territory was the last among those of the United Kingdom to engage in a constitutional advancement process. In her view, the people of Anguilla were on a direct collision course with the administering Power since the people had seen the worst manifestations of true colonialism, including in the areas of constitutional, political

and economic development. Although there was no official poll, the people were leaning towards independence.[1]

7. Addressing the same event, a representative of the Anguilla National Council of Women, a body comprising more than 35 active women's organizations, stated that colonialism in new and changing forms had accelerated and intensified, rather than declined. She said that the movement towards the enslavement of the Territory's people could be seen in the long-overdue new constitution, given that Anguilla was the only remaining overseas territory of the United Kingdom with an unfinished constitutional reform process. That process had to be people-oriented.[2]

8. On 7 June 2012, in follow-up to the seminar, the Chair of the Special Committee met the Chief Minister in New York to explore the possibility of assisting the constitutional advancement of the Territory, in particular through the possible assistance of the United Nations Development Programme. On 20 June, the aforementioned representative of Anguilla informed the Special Committee that a constitutional and electoral reform committee was preparing to draft a new constitution that would include provisions that would significantly reduce the powers of the Governor. She concluded by saying that the people of Anguilla were requesting the Committee to provide oversight and support to ensure that the administering Power respected the Constitution and general democratic principles (see A/AC.109/2012/SR.9).

9. In October 2012, the Governor indicated that, when the Chief Minister was ready to begin discussions on a new constitution, the Government of the United Kingdom would also be ready. Meanwhile, observers indicate that the debate continues within Anguilla about the merits of declaring independence from the United Kingdom.

II. Budget

10. In November 2012, the Chief Minister and Minister of Finance presented a budget of EC$ 193.1 million in the House of Assembly for the operation of the Government in 2013. For its part, in September 2012, the European Union had allocated EC$ 38.5 million (€11.7 million) to Anguilla in the form of budget support to help the Territory in its efforts to boost economic growth and development. The first tranche of €3.6 million had been disbursed upon results achieved by the Government in the implementation of its medium-term economic strategy. The overall objectives of the grant aid were to restore macroeconomic stability, stimulate economic growth, provide social development support and reduce environmental vulnerability.

11. In Anguilla, there are no income, estate, capital gains, corporation, value added or goods and services taxes. The territorial Government continues to study this matter, in particular with regard to the impact of low taxation on the Territory's economy and public sector reserves.

[1] The full text of the statement is available from www.un.org/en/decolonization/pdf/crp_2012_anguilla.pdf.

[2] The full text of the statement is available from www.un.org/en/decolonization/pdf/dp_2012_anguilla.pdf.

III. Economic conditions

A. General

12. According to public estimates, in 2012, the Territory's gross domestic product amounted to approximately US$ 293.7 million.

13. The main industries in Anguilla are tourism, offshore incorporation and management, and banking. Tourism is the main source of economic growth. The economy is greatly affected by the global economy, international oil prices and weather conditions. In 2012, the territorial Government reported that the global economic downturn had hurt the Anguillan economy and that the Territory was taking steps to protect local jobs.

B. Tourism

14. The Ministry of Finance, Economic Development, Investment, Commerce and Tourism is responsible for implementing the tourism master plan, while the Anguilla Tourist Board and the Anguilla Hotel and Tourism Association market and promote the Territory's tourism product.

15. According to media reports, the Anguilla Tourist Board focused its advertising efforts on Canada and saw a 17 per cent increase in Canadian tourism activity in 2012. In 2013, the territorial Government has signed a memorandum of understanding with a developer for the construction of a new hotel in Shoal Bay, valued at EC$ 20 million.

16. For its part, the Caribbean Development Bank approved a technical assistance grant to the Government amounting to some US$ 246,000 to support sustainable development, including the preparation of a sustainable tourism master plan. The findings of the first stakeholder consultations, held in March 2012, underscored that there was a need for physical planning and strengthening environmental governance.

C. Financial services

17. Anguilla has a small international finance sector, specializing in insurance, mutual funds, and trust and company registration, for whose regulation the United Kingdom is directly responsible. As previously reported, foreign corporations pay licence fees to operate in Anguilla.

18. The Anguilla Financial Services Commission, established in 2004, is an independent regulatory body that focuses on licensing, supervision of licences, general monitoring of financial services, reviewing existing legislation on financial services and making recommendations for new legislation, in addition to maintaining contact with foreign and international regulatory authorities. In an effort to strengthen the island's offshore financial services infrastructure, the Commission decided in 2012 to work with the Executive Council to set up a committee that would deal with the requirements of the United States Foreign Account Tax Compliance Act.

19. Anguilla remained committed to meeting international standards on transparency and the exchange of information and recognized that its commitment was essential to its success as a financial services centre.

D. Agriculture and fisheries

20. Agricultural activity in Anguilla is limited, owing to a combination of poor soil and irregular rainfall. Nevertheless, agriculture continues to play a part in the livelihood of the local population.

21. According to the administering Power, the territorial Government estimated the total fish catch in 2011 to be about 643 tons, valued at approximately EC$ 22 million. Fishing is significant to the livelihoods of many Anguillans, directly employing 235 to 300 people, with many more fishing on a subsistence basis. Anguilla is using less than one quarter of its exclusive economic zone to the north of the island.

22. According to research reports produced by the Department of Fisheries and Marine Resources, however, Anguilla's near-shore marine habitats and fish stocks are facing threats from both human-based and natural stressors. This has, in turn, led to a decline in marine ecosystem health and integrity.

E. Infrastructure

23. Anguilla has approximately 175 km of public roads, 80 per cent of which are paved. According to the administering Power, infrastructure development continues to be low as a result of the recent economic downturn. In 2011, approximately EC$ 1.2 million was spent on the reconstruction of a section of Queen Elizabeth Avenue to mitigate flooding from light and moderate rain, while EC$ 300,000 was spent on upgrading the road between Brimegin and Limestone Bay.

24. The Anguilla Air and Sea Ports Authority, a semi-autonomous self-sustaining entity, manages the operations of the airport and seaports on a commercial basis. Clayton J. Lloyd International Airport, situated on the outskirts of The Valley, is the only airport on the island and serves both commercial and private aircraft, including a fixed-base operator facility. There are flights to and from the international airports of Antigua, Sint Maarten and Puerto Rico. As previously reported, a 2011 mission by the International Monetary Fund noted the need to improve access to the island by air and by sea.

F. Transportation, communications and utilities

25. Taxis are the only form of public transport in Anguilla, but car rental is widely available. Anguilla has a modern internal telephone system with multiple external gateways, including several microwave relays to Sint Maarten/Saint Martin, and a fibre landing point on Tortola for international calls, with competition in mobile, landline and Internet services.

26. According to the administering Power, in 2012, the Government commissioned a study for the integration of renewable energy into the energy profile of the island.

According to media reports, the Anguilla Renewable Energy Integration Project aims to promote a comprehensive legal and regulatory framework for implementing renewable energy in Anguilla. Its final report, completed in October 2012, provides recommendations on how to update the Territory's laws and regulations to enable renewable energy to be interconnected to the electricity grid. It also provides a road map with an action plan for implementing the recommendations. The expected benefits include lower consumer electricity bills, increased energy security, job growth and environmental improvements.

IV. Social conditions

A. General

27. The social security scheme of the Territory is overseen by the Anguilla Social Security Board. In 2012, the Department of Social Development was able to offer all its major services to the public, the implementation of austerity measures notwithstanding. According to the administering Power, for the period from January to October 2012, 120 persons received public assistance for a total of EC$ 553,350. In the same period, 268 persons benefited from medical exemptions totalling approximately EC$ 1.9 million. Similarly, by mid-October, contributions to needy families in the form of food vouchers totalled approximately EC$ 17 million. The use of those social services demonstrates that, while no segment of the Territory's population is considered indigent, the vulnerable population depends heavily upon the Government to meet its basic needs.

28. With regard to children and families, the Department benefited from a British project on safeguarding children in the overseas territories, which enabled the development of a child abuse reporting form for use by professionals. Policy guidance on safeguarding children in Anguilla was also produced and has been widely disseminated.

29. For its part, the Caribbean Development Bank approved in 2012 a technical assistance grant to the Government of Anguilla equivalent to US$ 245,812 to support its sustainable development efforts.

B. Education

30. In Anguilla, education is free and compulsory between the ages of 5 and 17 years, benefiting some 2,600 students. According to the administering Power, the Department of Education provides continuing professional development for all teachers, with emphasis on supporting new teachers. Such development includes positive behaviour management training.

31. In addition, the Department and the Open Campus of the University of the West Indies provide tertiary education in Anguilla, offering primary and secondary teacher training and basic skills training programmes. The Open Campus offers a range of distance education programmes to students in the Territory, based on the system used by the University of the West Indies. The Anguilla Community College is limited in its ability to provide training opportunities for much-needed local skills

in the areas of hospitality and tourism. Citizens from the overseas territories benefit from the home student fee rate at British universities.

C. Public health

32. The Health Authority of Anguilla is responsible for all primary, secondary and personal health-care services. The Ministry of Social Development regulates and monitors the public and private health sectors, including the Health Authority, and carries out policymaking and regulatory functions in relation to the health service. As previously reported, the territorial Government's health priorities, set out in the strategic plan for health covering the period from 2009 to 2014, include the strengthening of primary and secondary health-care services. According to the United Kingdom, the 2012 budget provided for approximately EC$ 16 million for the Health Authority. According to the administering Power, slightly in excess of EC$ 1.5 million was spent on medical treatment overseas.

33. There are three health centres in the Territory, one for each district, in addition to one hospital, the Princess Alexandra Hospital. Cases requiring major surgery are usually evacuated to a neighbouring island.

34. In a communiqué dated 5 December 2012, the Joint Ministerial Council, a body bringing together the political leaders and representatives of the United Kingdom and its overseas territories, including Anguilla, expressed agreement on the importance of health security and on achieving compliance with the requirements of the International Health Regulations, an international legal instrument binding on 194 countries, including all States members of the World Health Organization, by June 2014. Furthermore, the participants agreed to identify and make use of all available sources of assistance, in particular from regional and global health organizations such as the Pan American Health Organization and United Nations agencies, to share best practices on health strategies and processes, with special emphasis on the treatment of non-communicable diseases, and to improve representation of the territories and linkages with global and regional health bodies.[3]

D. Crime and public safety

35. According to media reports, in 2012, a crime and violence prevention initiative under the theme "Building a safer community" was launched by the Anguilla Red Cross, funded by the Governor's Office and supported by the Canadian Red Cross. The Anguilla Red Cross developed the following multi-step programme to stem violence on the island: understand the issue; recognize the vulnerability and resiliency of children and young people; define protection instruments; undertake team-building exercises; complete a risk assessment; develop policies and procedures; educate adults, young people and children; respond to disclosures of violence, abuse, bullying and harassment; meet challenges; and maintain safe environments. Crimes against property continued to be a priority issue for the Royal Anguilla Police Force, with burglary, theft and armed robbery the main offences.

[3] The communiqué is available from https://fco-stage.fco.gov.uk/resources/en/pdf/uk-ot-communique.pdf.

36. According to the administering Power, a parole board was established in Anguilla in 2012. Its members received training from experts from the Parole Board for England and Wales. The Board will begin hearing cases in 2013 as soon as a related bill is passed.

37. The Financial Intelligence Unit continues to function as the Territory's money-laundering reporting authority, and the Financial Crime Investigation Unit carries out a wide variety of financial crime investigations, including all money-laundering and civil recovery cases.

E. Human rights

38. The Territory's Constitution provides that every person in Anguilla is entitled to life, liberty, security of person, the enjoyment of property, protection of the law, freedom of conscience, expression and peaceful assembly and association, and respect for his or her private and family life. Where there are limits to those rights, they are designed to ensure that an individual's enjoyment of them does not prejudice the rights and freedoms of others or the public interest.

39. The Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination have been extended to Anguilla. The European Convention on Human Rights also applies to Anguilla, and individuals have the right to bring cases to the European Court of Human Rights where no other remedy exists in the Territory.

40. According to the Foreign and Commonwealth Office report entitled *Human Rights and Democracy*, issued in 2012, the protection and promotion of human rights in each territory is primarily the responsibility of the territorial Government, while the Government of the United Kingdom is ultimately responsible for ensuring that the territories fulfil their obligations arising from international human rights treaties that have been extended to them.

V. Environment

41. The Department of the Environment, the Agriculture Department, the Department of Fisheries and Marine Resources, the Department of Health Protection and the Anguilla National Trust are the principal entities dealing with environmental issues. In 2012, Anguilla participated in a regional conference for the Caribbean Regional Fisheries Mechanism at which planning for sustainable fisheries and disaster risk management were discussed, as were climate change issues.

42. According to media reports, in 2012, the territorial Government and the Clinton Climate Initiative agreed to work together to address severe beach erosion and other climate change issues in, among others, Shoal Bay East, Shoal Bay West, Barnes Bay, Cove Beach and Crocus Bay.

VI. Relations with international organizations and partners

43. Since 1998, the Territory has been an associate member of the Economic Commission for Latin America and the Caribbean. Since 2011, it has maintained a formal dialogue with the International Monetary Fund.

44. Anguilla participates in the Caribbean Community as an associate member, and is a member of the Caribbean Development Bank, the Caribbean Financial Action Task Force and the Caribbean Regional Fisheries Mechanism.

45. Anguilla participates in the work of the Organization of Eastern Caribbean States as an associate member, and is a member of the Eastern Caribbean Central Bank. In 2012, Anguilla participated as observer in the inauguration of the Organization of Eastern Caribbean States Assembly, which was established under the revised Treaty of Basseterre to support the legislative work of the Organization.

46. As a Non-Self-Governing Territory of the United Kingdom, Anguilla is associated with the European Union but is not a part of it. According to the United Kingdom, the Territory has yet to establish a relationship with the European Union in the context of the European Union Economic Partnership Agreement. Information on grant aid provided to the Territory by the European Union in 2012 is found in section II above.

47. The territorial Government cooperates directly with Caribbean Governments and participates in regional projects of various international organizations and agencies, including the Pan American Health Organization.

48. In December 2012, the Joint Ministerial Council issued a communiqué, as stated in paragraph 34 above. The political leaders and representatives of the United Kingdom and the overseas territories stated that they had reached agreement to work together to, among other things, further develop links with the United Nations and its agencies and regional partners, in particular in the Caribbean, and expressed the belief that the Special Committee on Decolonization should delist territories where that was their wish.

VII. Future status of the Territory

A. Position of territorial Government

49. Developments in constitutional reform efforts involving the future status of Anguilla are referred to in section I above.

B. Position of administering Power

50. On 11 October 2012, the representative of the United Kingdom made a statement before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-seventh session of the General Assembly. According to the record of the meeting (A/C.4/67/SR.5), the representative stated, among other things, that the Government of the United Kingdom maintained its long-standing position on the independence of the territories that it administered. Any decision to sever the constitutional link between the United Kingdom and a territory should be

taken on the basis of the clear and constitutionally expressed wish of the people of that territory. Where independence was an option and it was the clear and constitutionally expressed wish of the people to pursue independence, the Government of the United Kingdom would meet its obligations to help the territory to achieve it.

51. Furthermore, the representative referred to the white paper that the Government of the United Kingdom had published in June 2012 confirming the Government's commitment to maintaining the overall relationship between the United Kingdom and the territories. In the introduction, the Government expressed the belief that the fundamental structure of the constitutional relationships was the right one: powers were devolved to the elected Governments of the territories to the maximum extent possible consistent with the United Kingdom retaining powers necessary to discharge its sovereign responsibilities, including to ensure that constitutional arrangements worked effectively to promote the best interests of the territories and of the United Kingdom. The Government recognized that it was important to continue to reflect on the constitutional relationship and would ensure that a dialogue on those issues was sustained with all those territories that wished to engage.

52. He went on to say that the white paper had made it clear that the fundamental responsibility and objective of the Government of the United Kingdom was to ensure the security and good governance of the territories and their peoples. That responsibility flowed from international law, including the Charter of the United Nations. Being an overseas territory of the United Kingdom also entailed responsibilities, however. The Government of the United Kingdom expected territorial Governments to meet the same high standards as it did in maintaining the rule of law, respect for human rights and integrity in public life, delivering efficient public services and building strong and successful communities. The Government of the United Kingdom would take firm and resolute action wherever there was evidence of corruption or maladministration in a territory. He concluded that the relationship between the United Kingdom and its overseas territories continued to be a modern one based on partnership, shared values and the right of each territory to determine whether it wished to stay linked to the United Kingdom. For as long as the overseas territories of the United Kingdom wished to retain that link, the Government of the United Kingdom would remain committed to their future development and continued security.

C. Action taken by the General Assembly

53. On 18 December 2012, the General Assembly adopted without a vote, resolutions 67/132 A and B, based on the report of the Special Committee (A/67/23) and the subsequent recommendation by the Fourth Committee. Section II of resolution 67/132 B concerns Anguilla. In the operative paragraphs of that section, the General Assembly:

> 1. *Welcomes* the preparations made for a new constitution and urges that constitutional discussions with the administering Power, including public consultations, be concluded as soon as possible;

2. *Requests* the administering Power to assist the Territory in its current efforts with regard to advancing the internal constitutional review exercise, if requested;

3. *Notes* the expression of grave concern by the Caribbean Community at the tension between the administering Power and the territorial Government and the deterioration in the Territory's governance arrangements;

4. *Stresses* the importance of the previously expressed desire of the territorial Government for a visiting mission by the Special Committee, calls upon the administering Power to facilitate such a mission, if the territorial Government so desires, and requests the Chair of the Special Committee to take all the necessary steps to that end;

5. *Requests* the administering Power to assist the Territory by facilitating its work concerning public consultative outreach efforts consistent with Article 73 *b* of the Charter, and in that regard calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

6. *Calls upon* the administering Power to assist the territorial Government in strengthening its commitments in the economic domain, including budgetary matters, with regional support as needed and appropriate;

7. *Welcomes* the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean.